

HOUSE BILL No. 1048

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-26-1.

Synopsis: Motor vehicle accidents. Makes it a Class C infraction if a motor vehicle involved in an accident comes to a stop in the traveled portion of a highway, and the operator fails (with certain exceptions) to move the motor vehicle off the traveled portion of the highway in a manner that does not obstruct traffic more than is necessary.

Effective: July 1, 2016.

Soliday

January 5, 2016, read first time and referred to Committee on Roads and Transportation.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1048

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-26-1-1.1, AS AMENDED BY P.L.188-2015,
2 SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 1.1. (a) The operator of a motor vehicle involved
4 in an accident shall do the following:

5 (1) **Except as provided in section 1.2 of this chapter, the**
6 **operator shall** immediately stop the operator's motor vehicle:

7 (A) at the scene of the accident; or

8 (B) as close to the accident as possible;

9 in a manner that does not obstruct traffic more than is necessary.

10 (2) Remain at the scene of the accident until the operator does the
11 following:

12 (A) Gives the operator's name and address and the registration
13 number of the motor vehicle the operator was driving to any
14 person involved in the accident.

15 (B) Exhibits the operator's driver's license to any person
16 involved in the accident or occupant of or any person attending
17 to any vehicle involved in the accident.



(3) If the accident results in the injury or death of another person, the operator shall, in addition to the requirements of subdivisions (1) and (2):

(A) provide reasonable assistance to each person injured in or entrapped by the accident, as directed by a law enforcement officer, medical personnel, or a 911 telephone operator; and
(B) as soon as possible after the accident, immediately give notice of the accident, or ensure that another person gives notice of the accident, by the quickest means of communication to one (1) of the following:

(i) The local police department, if the accident occurs within a municipality.

(ii) The office of the county sheriff or the nearest state police post, if the accident occurs outside a municipality.

(iii) A 911 telephone operator.

(4) If the accident involves a collision with an unattended vehicle or damage to property other than a vehicle, the operator shall, in addition to the requirements of subdivisions (1) and (2):

(A) take reasonable steps to locate and notify the owner or person in charge of the damaged vehicle or property of the damage; and

(B) if after reasonable inquiry the operator cannot find the owner or person in charge of the damaged vehicle or property, the operator must contact a law enforcement officer or agency and provide the information required by this section.

(b) An operator of a motor vehicle who knowingly or intentionally fails to comply with subsection (a) commits leaving the scene of an accident, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the accident results in bodily injury to another person;

(2) a Level 6 felony if:

(A) the accident results in serious bodily injury to another person; or

(B) within the five (5) years preceding the commission of the offense, the operator had a previous conviction of any of the offenses listed in IC 9-30-10-4(a);

(3) a Level 5 felony if the accident results in the death of another person; and

(4) a Level 3 felony if the operator knowingly or intentionally fails to stop or comply with subsection (a) during or after the commission of the offense of operating while intoxicated causing serious bodily injury (IC 9-30-5-4) or operating while intoxicated



1 causing death (IC 9-30-5-5).

2 SECTION 2. IC 9-26-1-1.2 IS ADDED TO THE INDIANA CODE
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2016]: **Sec. 1.2. (a) If, after an operator of a motor vehicle is**
5 **involved in an accident, the operator's motor vehicle comes to a**
6 **stop in the traveled portion of a highway, the operator shall, as**
7 **soon as safely possible, move the motor vehicle off the traveled**
8 **portion of the highway and to a location as close to the accident as**
9 **possible. However, the operator shall not move the motor vehicle**
10 **if the accident:**

11 (1) involves the transportation of hazardous materials; or

12 (2) results in injury or death of a person or the entrapment of
13 a person in a vehicle.

14 A person who violates this subsection commits a Class C infraction.

15 (b) An operator of a motor vehicle to whom subsection (a)
16 applies, is also subject to section 1.1(a)(2), 1.1(a)(3), and 1.1(a)(4)
17 of this chapter. An operator who knowingly or intentionally fails
18 to comply with section 1.1(a)(2), 1.1(a)(3), or 1.1(a)(4) of this
19 chapter commits leaving the scene of an accident, a Class B
20 misdemeanor, and is subject to the penalties in section 1.1(b) of this
21 chapter.

